

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

HERMAN M. JERROD,)
)
Plaintiff,)
)
v.) Case No. 4:19-cv-03131-AGF
)
)
ZACHARY PHILLIPS, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Herman Jerrod's Motion to Strike. (Doc. No. 40). Plaintiff claims Defendants did not file their Motion for Summary Judgment on time and as such it should be struck. Defendants responded in opposition. (Doc. No. 42). Plaintiff filed no reply and the time to do so has passed.

Pursuant to the Court's order, Defendants were required to file any motion for summary judgment by May 17, 2021. (Doc. No. 28). On May 17, 2021, Defendants filed their Motion for Summary Judgment. (Doc. No. 29). Plaintiff appears *pro se* and is incarcerated at the Eastern Reception, Diagnostic and Correctional Center.¹ He states that the Motion for Summary Judgment he received in the mail was stamped "Received" on June 11, 2021. Plaintiff claims this shows "the true date upon which the document

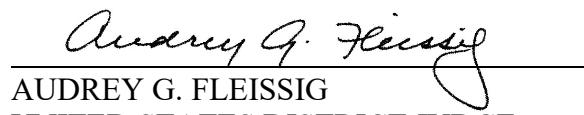
¹ At times, Plaintiff's filings have indicated he is located at the Southeast Correctional Center. (Doc. No. 18 at 5). The Court notes his recent filings indicate he is located at the Eastern Reception, Diagnostic and Correctional Center. (Doc. Nos. 40, 43). Plaintiff is reminded that pursuant to Local Rule 45-2.06(B), "Every self-represented party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address and telephone number."

was actually provided" to him. (Doc. No. 40). Therefore, Plaintiff argues Defendants' Motion for Summary Judgment was not timely filed and should be stricken.

However, the Court rules provide that filings shall be made by electronic means by represented (non-*pro se*) parties. E.D. Mo. L.R. 3-2.10. Additionally, "[t]he Court's electronic case filing system determines the date and time when a filing is complete." E.D. Mo. L.R. 83-2.13. Although Plaintiff may not have received Defendants' Motion for Summary Judgment on May 17, 2021, the Court's electronic record reflects that the certificate of service attesting to service by mail on that date. (Doc. No. 29 at p.3).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Strike is **DENIED**. (ECF No. 40).


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 4th day of August, 2021.